

## REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### *Status of all of the Claims*

Below is the status of the claims in this Application.

1. Claim(s) pending: 1, 3-8, and 10-17.
2. Claim(s) cancelled: 2, 9, and 18-33.
3. Claim(s) added: None.
4. Claim(s) withdrawn from consideration but not cancelled: None.

It is believed that the above-identified claims are supported by the application as originally filed.

### *Claim Rejections*

#### *Rejection of Claims 1-17 Under 35 USC 102(b)*

In item 3 of the Office Action, claims 1-17 were rejected under 35 USC 102(b) as being anticipated by Hunter et al. (US Patent 4,163,643). It is believed that claims 1, 3-8 and 10-17 are allowable over the references of record.

In the Office Action, it is alleged that Hunter discloses in Figure 10 thereof that the collars of the tubes are in contact with the track. Applicants' claims as amended call for an analytical system including a test element comprising a carrier and an evaluation area on which a sample is applied, wherein a contact area of a transport unit and the carrier of the test element are made such that in a resting state of the transport unit static frictional forces act between the contact area and the carrier to such an extent that the test

element is fixed in position relative to the transport unit. In contrast, Hunter discloses in Figure 10 and column 12, lines 32 to 65, a combined barrier and clamping mechanism actuated by a solenoid or piston device. Referencing Figure 10 of Hunter, a barrier member A lies across the vibratory track D and E hindering the passage of sample tube M and causing a queue of sample tubes to form. When the solenoid J is activated, this causes piece K to raise barrier member A up and permit tube M to be released while the clamping member B lowers onto the second sample tube N to clamp it into position. Once piece K is retracted to its normal position, the barrier member A is lowered and the clamping member B is raised to permit the queue to advance by one sample tube. Thus, the Hunter reference does not disclose an analytical system where static frictional forces act between the contact area of a transport unit and the carrier of a test element to such an extent that the test element is fixed in position relative to the transport unit. Applicants' system utilizing static frictional force is explained in further detail in Applicants' specification at paragraphs 38, 41 and 42. Applicants' claimed analytical systems and methods are thus clearly differentiated from Hunter's barrier and clamping mechanism concept as actuated by a piston or solenoid. Therefore, it is believed that Hunter fails to disclose Applicants' analytical systems and methods as claimed in Applicants' claims 1, 3-8 and 10-17.

For these and other reasons, claims 1, 3-8 and 10-17 are believed to be allowable over the references of record.

#### ***Rejection of Claims 1-17 Under 35 USC 103(a)***

In item 4 of the Office Action, claims 1-17 were rejected under 35 USC 103(a) as being unpatentable over Ishizaka et al. (US Patent 5,077,010) in view of Kitamoto et al. (US Patent 4,875,610). It is believed that claims 1, 3-8 and 10-17 are allowable over the references of record.

The Ishizaka reference discloses a test film cassette which is used in a laboratory system, but the reference does not address specific technical solutions to transport the test film. The Kitamoto reference relates to the transport of a video tape. Even if the Ishizaka

reference were combined with the Kitamoto reference, the combination does not disclose or suggest an analytical system where static frictional forces act between the contact area of a transport unit and the carrier of a test element to such an extent that the test element is fixed in position relative to the transport unit as claimed in Applicants' claims. As mentioned above in connection with the novelty rejection, Applicants' system utilizing static frictional force is explained in further detail in Applicants' specification at paragraphs 38, 41 and 42. Applicants' claimed analytical systems and methods are thus clearly differentiated from the combination of Ishizaka and Kitamoto. Therefore, it is believed that the Ishizaka/Kitamoto combination fails to disclose Applicants' analytical systems and methods as claimed in Applicants' claims 1, 3-8 and 10-17.

For these and other reasons, claims 1, 3-8 and 10-17 are believed to be allowable over the combination of Ishizaka and Kitamoto and the references of record.

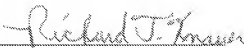
### *Conclusion*

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion. In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited.

If after reviewing this response the Examiner feels that any issues remain which must be resolved before the Application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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